

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6077

AN ORDINANCE repealing and replacing Ordinance No. 6057, memorializing settlement terms and approval, with conditions of the Planned Unit Development and Preliminary Conservation Subdivision for the Application of David Shih and the Shih Family Limited Partnership, Permit Nos. 08-135645 and 11-1-3630 LO.

WHEREAS, on June 16, 23, 29 and 30, 2011, the Bellevue Hearing Examiner conducted a hearing on the application of David Shih and the Shih Family Limited Partnership ("Shih") for a Planned Unit Development ("PUD") and Preliminary Conservation Subdivision, Permit Nos. 08-135645 LK and No. 11-1-3630 LO (otherwise referred to as the Kimberlee Park Phase III Development); and

WHEREAS, on July 28, 2011, the Hearing Examiner issued Findings of Fact, Conclusions of Law and Decision; and

WHEREAS, On August 31, 2011, following a motion for reconsideration, the Hearing Examiner issued Revised Findings of Fact, Conclusions of Law and Decision; and

WHEREAS, on August 10, 2011 and September, 8, 2011, Shih timely appealed the denial of the Planned Unit Development and Preliminary Conservation Subdivision to the City Council; and

WHEREAS, the City Council conducted a hearing on the appeal on March 17, 2012 and reversed the Hearing Examiner's Decision with adoption of Ordinance No. 6057 on May 7, 2012; and

WHEREAS, The Kimberlee Park Community Club, Roger and Janelle Chiou, Scott and Rita Traverso, and Barry and Kimberly Wolborsky appealed the Council's adoption of Ordinance 6057 to King County Superior Court under the Land Use Petition Act, Chapter 36.70C RCW, Cause Number 12-2-18696-6 SEA; and

WHEREAS, The Kimberlee Park Community Club represents property owners and residents within the existing Kimberlee Park development, which is situated adjacent to the proposed Kimberlee Park Phase III development; and

WHEREAS, Roger and Janelle Chiou, Scott and Rita Traverso, and Barry and Kimberly Wolborsky are adjacent property owners to the proposed Kimberlee Park Phase III development; and

WHEREAS, the parties to the Superior Court litigation reached a settlement, which imposes certain obligations on the applicant and Kimberlee Park Community

Club, Roger and Janelle Chiou, Scott and Rita Traverso, and Barry and Kimberly Wolborsky; and

WHEREAS, under the terms of settlement, the parties agreed to request that \Kimberlee Park Phase III Development Condition of Approval No. 4 contained in Ordinance No. 6057, requiring the applicant to construct a trail and footbridge, be deleted as a condition of approval; and

WHEREAS, the City Council having determined that removal of Condition of Approval No. 4 is consistent with applicable city policy; and

WHEREAS, under the terms of the Settlement Agreement, the City agreed to install at its own expense certain traffic calming devices; and

WHEREAS, approval of this Ordinance repeals and replaces Ordinance No. 6057 and otherwise serves as the City Council's final action or decision on Application or Permit Nos. 08-135645 LK and No. 11-1-3630 LO and the corollary appeals to the City's Hearing Examiner under Examiner File No. AAD 11-67; and

WHEREAS, the terms used below, "Agreed Condition," reflect certain terms of settlement agreed to the parties and are otherwise fully incorporated herein; and

WHEREAS, the City has complied with the State Environmental Policy Act and the City Environmental Procedures Code, now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the Revised Findings of Fact of the Hearing Examiner as set forth in "Findings of Fact, Conclusions of Law and Decision" issued on August 31, 2011, except the following Findings are not adopted as they are not supported by substantial evidence: No. 29, No. 30, No. 32, No. 33, No. 35, and No. 53.

Section 2. The City Council adopts and incorporates by this reference the Land Use Staff Report Dated May 12, 2011 and Attachments 1 through 11 thereto.

Section 3. The City Council adopts the following additional Findings of Fact supported by the record:

1. The site context for this proposed development is single-family residential, which is maintained by the proposal. No attached units are proposed and no multifamily rezoning is required. Additional density is allowed through the PUD process, but none was proposed. The proposed density meets the requirements of the land use code.
2. The perimeter of the project is landscaped to provide a buffer from the proposed development to the existing properties. Part of the Newport

Hills subarea character is the large trees found there, which are maintained to a large extent by the project through the use of the PUD clustering of homes and preservation of sensitive areas.

3. The set-backs proposed are largely in conformance with the R-3.5 zoning requirements, the houses are located in similar locations on the lots of surround developments. Each lot has an individual driveway with a garage, which reflects the character of the surrounding neighborhood.
4. While lots in the existing Kimberlee Park developments are zoned R-3.5, most of Newport Hills is zoned R-5.
5. The project is designed with materials to ensure the level of quality standard required for a PUD which is not required in traditional plat development.
6. The home designs, as proposed provide a reasonable level of variation in exterior colors, siding types and placement on-site to respond to physical conditions, specifically by building the homes into the existing hillsides.
7. Although the homes as proposed are more vertical in design than many of the existing homes in the surrounding development, their square footage is in line with common home sizes in the Kimberlee Park neighborhood.
8. No two houses in Kimberlee Park I or II are architectural duplicates and 56 of the 58 homes in Kimberlee Park I are multi-story structures.
9. The planting plan submitted by applicant and approved by staff represents an enhanced level of landscaping greater than that provided for under Type 3 of the BLUC landscaping requirements.
10. The proposed location for on-site storm-water detention is large enough to accommodate a detention structure two or three times the size of that structure proposed in the preliminary plat application.

Section 4. The City Council adopts the Conclusions of the Hearing Examiner as set forth in "Findings of Fact, Conclusions of Law and Decision" issued on July 28, except the following Conclusions of Law are not adopted as they are not supported by substantial evidence in the record or are erroneous applications of the law to the facts or are erroneous interpretations of the law:

No. 10, No. 11, No. 12, No. 13, No. 15, No. 16, and No. 17.

Section 5. The City Council adopts the following additional Conclusions of Law based upon the above-adopted Findings of Fact:

1. The City Council may overturn the decision of a Hearing Examiner on appeal if the appellant has met its burden of proving that the Decision is not supported by substantial evidence in the record. Under the substantial evidence standard, there must be a sufficient quantum of evidence in the record to persuade a reasonable person that the declared premise is true.
2. While the Hearing Examiner's Decision is entitled to deference, the City Council is the highest local authority on the construction and application of the Bellevue City Code.
3. The City's Comprehensive Plan, adopted and updated in conformance with the state Growth Management Act, provides the guidelines and blueprint upon which permitting decisions are made. Conformity with the provisions of the Comprehensive Plan is one of the critical decision criteria for approval of a PUD and preliminary plat. As demonstrated in the Staff Report analysis of Comprehensive Plan Policy Review, (Attachment 10) this proposed development is consistent with and in conformity with numerous Comprehensive Plan Policies. The City Council, as the highest local authority on the interpretation and application of the Comprehensive Plan has established many policies to guide in-fill development in conformity with the requirements of the Growth Management Act.
4. The Newport Hills Subarea Plan, which guides the continued development of the Area, encourages the use of PUDs. Policy S-NH-5 encourages the use of PUDs to preserve the visual character of open space and protect environmentally sensitive areas in new subdivisions by clustering housing on the least sensitive portions of the site. The use of the PUD mechanism is appropriate in this circumstance to implement and fulfill the community visions as set forth in the Comprehensive Plan.
5. The City's codes do not require design review for single family residential structures and do not require variability in home designs.
6. While BLUC 20.30D.150(D) provides that "compatibility" includes consideration of the size, scale, mass and architectural design of proposed homes in PUDs with those on the perimeter of the site, it does not equate "differentness" with "incompatible." Nor is compatibility defined in common usage as requiring that two entities are the same.
7. Character can be characterized as qualities and features which distinguish one thing from another. Compatibility can be characterized as the ability to exist in an integrated and harmonious state. The character of the proposed PUD is single family homes which meet the setback and height limits of the R-3.5 development standards as adjacent lots are required to do.
8. Historically, the Hearing Examiner has found single-family and multi-

family PUDs that are adjacent to existing single family homes to meet the compatibility criteria in the City's codes. This includes finding that the mass and scale of three-story structures compatible with single-family ramblers. The City Council has approved of these findings in adopting the Findings, Conclusions and Decisions of the Hearing Examiner in instances where those decisions have been challenged.

9. The proposed homes with different size, scale mass and architectural design than the architecturally diverse homes in the perimeter developments are capable of existing in an integrated harmonious state with the existing developments.
10. LUC 20.30D.160(E) requires that landscaping for the perimeter of the PUD be superior to that otherwise required by the code in order to enhance the visual compatibility of the development with the surrounding area. This does not mean that the landscaping must completely camouflage or screen the proposed development visually from view of the adjoining neighborhood. Some further landscaping would, however, enhance and ensure that there is visual compatibility of the development with the surrounding neighborhood. It would also ensure that the development is responsive to and compatible with the existing physical characteristics of the property.
11. Approval of a preliminary plat is not conditioned upon submittal and approval of engineering plans. LUC 20.45A.070 establishes that review of final engineering follows review and decision of the preliminary subdivision.
12. Approval criteria for a preliminary plat application do not include the requirement that the proposed infrastructure be "feasible". The approval criteria instead provide that "adequate provision" for infrastructure be made, leaving the final approval of the feasibility of the design to later stages in the platting process.
13. Substantial evidence supports the conclusion that adequate provision for storm drainage detention has been demonstrated in the record before the Hearing Examiner.

Section 6. Based on the foregoing Findings of Fact and Conclusions, the City Council enters the following Decision:

Appellant has met its burden to prove that the Hearing Examiner's Decision was not supported by substantial evidence in the record. The Hearing Examiner failed to give the required weight to the expertise of the staff reviewing the application, and failed to acknowledge the testimony of all of the witnesses in his Findings of Fact as well as the content of the written record, including the Land Use Staff Report and Attachments thereto. The Hearing Examiner used the wrong legal standards to consider the evidence and apply Conclusions of Law. The Hearing Examiner failed to adequately consider and apply precedent of prior Hearing Examiner Decisions as

well as prior Council decisions regarding compatibility. The appeal is hereby granted, and the Decision of the Hearing Examiner denying the Planned Unit Development and Preliminary Conservation Subdivision is hereby overturned. The Planned Unit Development and Preliminary Conservation Subdivision with conditions, is approved, subject to the following Conditions:

I. CONDITIONS OF APPROVAL

Codes & Ordinances

The applicant shall comply with all applicable Bellevue City Codes and ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Construction Codes- BCC Title 23	Bldg. Division, 425-452-6864
Fire Code- BCC 23.11	Adrian Jones, 425-452-6032
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350
Sign Code- BCC Title 22B	Reilly Pittman, 425-452-4350
Transportation Code- BCC 14.60	Ray Godinez, 425-452-7915
Right of Way Use Code- BCC 14.30	Tim Stever, 425-452-4294
Utility Code- BCC Title 24	Arturo Chi, 425-452-4119

A. GENERAL CONDITIONS

The following conditions apply to all phases of development.

1. Variance Restriction

Approval by the City of this plat and PUD (including dimensional modifications) is a determination that each lot can be reasonably developed in conformance with the Land Use Code in effect at the time of this approval without requiring a variance. No future variance application will be accepted.

PERMIT: 08-135645-LK

AUTHORITY: Land Use Code 20.45B.130.A.6

REVIEWER: Reilly Pittman, Development Services Department

2. Obtain Permits

The applicant shall obtain all other permits for infrastructure, utilities, building and other improvements. No construction may commence until the appropriate permit is issued.

PERMIT: 08-135645-LK, 11-103630-LO

AUTHORITY: Land Use Code 20.30P

REVIEWER: Reilly Pittman, Development Services Department

3. Structure Setbacks

The rear setback on all lots shall be 25 feet except for lots 7, 8, and 9 which have a 20-foot rear setback and is required to be noted on the face of the final plat.

PERMIT: 08-135645-LK

AUTHORITY: Land Use Code 20.30D.150

REVIEWER: Reilly Pittman, Development Services Department

4. Construction Hours

Noise related to construction is allowed from 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday. Exceptions to the construction noise hours limitation contained in the Noise Control Code MAY be granted pursuant to BCC 9.18.020C.1 when necessary to accommodate construction which cannot be undertaken during exempt hours. Prolonged exposure to noise created by extended hour construction activity is likely to have a significant impact on inhabitants of surrounding residential properties during the proposed timeline for construction. In order to minimize detriment on residential uses in the immediate vicinity of the project, the Contractor shall not rely on City issuance of a blanket exemption from the Noise Control Code during the construction period. Allowances for short term work outside of normal construction hours shall be limited and will be reviewed on a case by case basis to verify necessity and ensure appropriate noise mitigation is utilized to protect surrounding uses and properties. Written requests for exemption from the Noise Control Code must be submitted two weeks prior to the scheduled onset of extended hour construction activity. Such request shall include a noise analysis prepared by a noise consultant, including recommendations for achieving the noise limitations of the Noise Ordinance for new residential construction.

PERMIT: 08-135645-LK, 11-103630-LO

AUTHORITY: Bellevue City Code 9.18.040

REVIEWER: Reilly Pittman, Development Services Department

5. Geotechnical Recommendations

The project shall be constructed per the recommendations of the geotechnical engineer as found in the submitted geotechnical report dated April 3, 2008 and the critical areas report addendum dated September 16, 2009.

PERMIT: 11-103630-LO

AUTHORITY: Land Use Code 20.30P.140

REVIEWER: Reilly Pittman, Development Services Department

6. Tree Protection Requirements

To mitigate adverse impacts to nondisturbed areas and trees to be retained during construction, conformance with BMP T101 for tree protection is required which includes:

- ☐ Clearing limits shall be established at the limit of nondisturbed areas and for retained trees within the developed portion of the site, outside of drip lines. Six-foot chain link fencing with driven posts, or an alternative approved by the Clear and Grade Inspector, shall be installed at the clearing limits prior to initiation of clearing and grading.
- ☐ No excavation or clearing should be performed within drip lines of retained trees, except as specifically approved on plans. All such work shall be done by hand to avoid damage to roots and shall be done under the supervision of an arborist approved by the city.

PERMIT: 08-135645-LK, 11-103630-LO

AUTHORITY: Land Use Code 20.20.520, Bellevue City Code
23.76.060

REVIEWER: Reilly Pittman, Development Services Department

7. Utilities

The Utilities Department has approved the Preliminary Plat proposal only. There are no implied approvals of the utility engineering. Changes to the site layout may be required to accommodate the utilities. All water, sewer & storm drainage design review, plan approval and field inspection shall be done through the Utility Developer Extension Agreement process, water application process, side sewer permit(s), and/or storm drainage connection permits.

PERMIT: 08-135645-LK

Authority: Bellevue City Code 24.02, 24.04, 24.06

Reviewer: Arturo Chi, Utilities Department

- 8. Additional Parking Not Required.** The proposed lots provide sufficient area for two off-street parking stalls. No additional parking is required along SE 60th St. The 5-stall parking area shown on the approved plan will not be constructed.

Permit: 08-135645-LK, 11-103630-LO

Authority: LUC 20.20.590.M

Reviewer: Reilly Pittman, Development Services Dept.

- 9. Berm.** The existing landscaping berm located on the southwest corner of lot 5 and portions of the City's right-of-way shall remain as a buffer between lot 5 and the property to the south of SE 60th street. Those

portions of the berm and other improvements located in the City of Bellevue public right-of-way may require removal for future right-of-way improvements.

Permit: 08-135645-LK, 11-103630-LO
Authority: Bellevue City Code 14.30
Reviewer: Tim Stever

10. Agreed Condition: (Construction Materials). This Ordinance hereby adopts by reference the Land Use Staff Report including the building materials described as follows: "Exterior materials include horizontal siding, low emissivity (low-E) glazing, and masonry materials". The Parties agree that the term "horizontal siding" does not include vinyl siding and does not include exposed concrete (except that (a) any partially exposed foundation customary in single family construction shall be allowed, and (b) stucco siding shall be allowed). This Agreed Condition further provides that no monolithic corrugated metal roof shall be allowed. Other forms of roofing may be allowed.

**B. CONDITIONS PRIOR TO ISSUANCE OF ANY PLAT
ENGINEERING/CLEAR AND GRADE PERMIT:**

1. Right of Way Use Permit

The applicant is required to apply for a Right of Way Use Permit before the issuance of any clearing and grading, building, foundation, or demolition permit. In some cases, more than one Right of Way Use Permit may be required, such as one for hauling and one for construction work within the right of way. A Right of Way Use Permit regulates activity within the city right of way, including but not limited to the following:

- ☐ Designated truck hauling routes.
- ☐ Truck loading and unloading activities.
- ☐ Hours of construction and hauling.
- ☐ Continuity of pedestrian facilities.
- ☐ Temporary traffic control and pedestrian detour routing for construction activities.
- ☐ Street sweeping and maintenance during excavation and construction.
- ☐ Location of construction fences.
- ☐ Parking for construction workers.
- ☐ Construction vehicles, equipment, and materials in the right of way.
- ☐ All other construction activities as they affect the public street system.

Agreed Condition: (Right of Use). The applicant shall abide by the terms of this Ordinance as to requirements for SE 60th street access, construction parking, and storage of construction materials.

PERMIT: 08-135645-LK
AUTHORITY: Bellevue City Code 14.30
REVIEWER: Tim Stever, Transportation Department

2. Site (Civil Engineering) Plans

A street lighting plan and site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. The design of all street frontage improvements must be in conformance with the requirements of the Americans with Disabilities Act and the Transportation Development Code, and the provisions of the Transportation Department Design Manual.

PERMIT: 08-135645-LK
AUTHORITY: Bellevue City Code 14.60.210; Transportation Department Design Manual
REVIEWER: Ray Godinez, Transportation Department

3. Final Landscaping Plan

A final plat landscaping plan is required to be submitted which includes specific plant quantities and spacing listed in the plant schedule. Applicant's approved landscaping plan submitted in support of this preliminary plat application represents an enhanced Type 3 landscaping plan which establishes the minimum level of landscaping required. Additional plant quantities and species may be required to ensure sufficient density is achieved as stated in the report, and as shown on the approved landscaping plan.

Agreed Condition: (Landscaping). Prior to submitting the application for clearing and grading approval and for plat infrastructure, the applicant shall submit the Final Landscaping Plan to the City.

PERMIT: 08-135645-LK, 11-103630-LO
AUTHORITY: Land Use Code 20.30D.150
REVIEWER: Reilly Pittman, Development Services Department

4. Fencing and Signage

The site plan submitted as part of the plat infrastructure permits shall depict split rail or other fencing on the perimeter of all NGPA tracts. One sign denoting the area is protected is required to be placed adjacent to every residential lot or spaced every 100 feet where fencing does not abut a residential lot. Signage and fencing will be verified during Land Use inspection of the landscaping and mitigation planting.

PERMIT: 11-103630-LO
AUTHORITY: Land Use Code 20.30P.140 and 20.20.400
REVIEWER: Reilly Pittman, Development Services Department

5. Utility Stream Crossing

Any sewer utility lines crossing the stream should be bored under the stream to prevent disturbance. If boring is not feasible, a full dewatering plan with turbidity monitoring, erosion control, etc. may be required as part of future infrastructure permits. Sufficient evidence will need to be presented in order to show that boring is not feasible.

PERMIT: 08-135645-LK, 11-103630-LO
AUTHORITY: Land Use Code 20.30P.140
REVIEWER: Reilly Pittman, Development Services Department

6. Installation Performance Sureties for Plat Landscaping and Mitigation

An installation performance surety is required based on 150 percent of the installed cost of the plat landscaping and mitigation planting. The amount of the surety is determined by a cost estimate submitted as part of the clearing and grading permit for plat infrastructure. The installation surety will be released upon successful Land Use inspection of the planting.

PERMIT: 11-103630-LO
AUTHORITY: Land Use Code 20.30P.140
REVIEWER: Reilly Pittman, Development Services Department

7. Maintenance Surety and 5-Year Monitoring

A maintenance surety for the mitigation planting is required based on the cost estimate for mitigation planting which includes all costs associated with maintenance and monitoring for 5 years for monitoring, maintenance activity, plant replacement, contingencies. The amount of the surety is determined by a cost estimate submitted as part of the clearing and grading permit for plat infrastructure. The maintenance surety will be released upon successful completion of the 5-year maintenance and monitoring period as detailed in the approved conceptual mitigation plan.

PERMIT: 11-103630-LO
AUTHORITY: Land Use Code 20.30P.140
REVIEWER: Reilly Pittman, Development Services Department

8. Final Mitigation Plan

The submitted mitigation plan is considered a conceptual mitigation plan. A final mitigation plan is required to be submitted as part of future clearing and grading permits which will document any changes since this plan was created, correct typos, and address the following:

- ☐ Ensure mitigation planting is at least 18,972 square feet in area based on the amount of critical areas and buffer being modified and ensure plans show all critical area and buffer modifications as found in Attachment 8.
- ☐ Specify plant spacing which must be at least 9 to 12 feet on center for trees, 4 to 6 feet on center for shrubs, and 2 feet spacing for ground covers
- ☐ Ensure plant quantity is sufficient to achieve the required density and area coverage which should for each 1,000 square feet should generally achieve 8 trees, 30 shrubs, and 285 ground covers. At least 18,972 square feet must be planted.
- ☐ Separate any areas of temporary disturbance resulting from the sewer and storm lines crossing the stream or from road and trail construction. Show how these areas will be restored. Restoration of temporary disturbance is separate from mitigation.
- ☐ Areas of invasive species and debris removal must be identified.
- ☐ Update the plan to show the proposed development approved by this review.
- ☐ Provide a cost estimate to carry out the mitigation.

PERMIT: 11-103630-LO
AUTHORITY: Land Use Code 20.30P.140
REVIEWER: Reilly Pittman, Development Services Department

9. Hold Harmless Agreement

The applicant shall submit a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within a critical area buffer in accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior infrastructure permit issuance.

PERMIT: 11-103630-LO
AUTHORITY: Land Use Code 20.30P.170
REVIEWER: Reilly Pittman, Development Services Department

C. PRIOR TO FINAL PLAT APPROVAL

1. Fire Hydrant Location, No Parking, and Cul-de-Sac
FIRE REVIEWER CONDITIONS (Comments revised per Rev. 3)

1. Provide a fire hydrant at an approved location at the turnaround for lots 1, 2, 3, 4, & 5. (IFC 508)
2. The access road (SE 60th Lane- Tract "B") to the lots 1 through 5 shall be posted on both sides "Fire Lane-No Parking". (IFC Bellevue Amendment 503)
3. The cul-de-sac shall have a minimum paved surface diameter of 96 feet. (Bellevue Fire Department Development Standards 3.05)

PERMIT: 08-135645-LK
AUTHORITY: International Fire Code 508, International Fire Code Bellevue Amendment 503, Bellevue Fire Department Development Standards 3.05
REVIEWER: Adrian Jones, Fire Department

2. Street Frontage Improvement

All street frontage improvements and other required transportation elements including street lighting must be constructed by the applicant and accepted by the Transportation Department prior to final plat approval, except as provided for in BCC 20.40.490. Specific requirements are detailed below:

i. Site Specific Items:

- ☐ Extension of 110th Avenue SE with curb, gutter, five foot wide concrete sidewalk, street signing, and channelization. Width of street extension will match the existing street width of 110th Avenue SE.
- ☐ Agreed Condition: (Public Street). The extension of 110th Avenue SE and the associated cul-de-sac shall be a City of Bellevue public road, built by the applicant to public road standards. After dedication to the City, 110th shall be owned and maintained by the City.
- ☐ Agreed Condition: (Public Street). The City hereby accepts the existing design submitted by Shih to the City of Bellevue Development Services Department for 110th Avenue SE.
- ☐ Agreed Condition: (Public Street). The City hereby accepts the existing design submitted by Shih to the City of Bellevue Development Services Department for 110th Avenue SE.
- ☐ Five foot wide concrete sidewalk along the east side of the extended portion of 110th Avenue SE.
- ☐ Street lights along the extended portion of 110th Avenue SE (as determined by the City's Street Light Engineer).
- ☐ 20 foot wide private road (SE 60th Lane) with curb, gutter and street signing connecting to SE 60th Street.

- ☐ Street light installation at the intersection of SE 60th Lane and SE 60th Street.
- ☐ Pavement widening and channelization along SE 60th Street to provide for a 24 foot wide street width (two 10 foot wide travel lanes plus a 4 foot shoulder along the northern side for pedestrian access). Length of pavement widening shall be from the intersection of SE 60th Lane to Lake Washington Boulevard SE.
- ☐ Intersection improvements at SE 60th Street and Lake Washington Boulevard SE to improve sight distance. This work will include installation of new pavement markings and traffic signs; removal of existing pavement markings and old traffic signs; removal of existing vegetation and restoration of greenscape as needed. The transportation inspector may require more work items during construction as deemed necessary by the engineer or the Transportation Inspector.
- ☐ Sub grades for all private access roads shall be per DEV-8.

ii. Miscellaneous:

- ☐ Landings on sloping approaches are not to exceed a 10% slope for a distance of 20 feet approaching the back edge of sidewalks. Driveway grades must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.
- ☐ The maximum cross grade of a street at the street end shall be 8%.
- ☐ Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.
- ☐ Private road(s) shall not be gated or obstructed and must remain open at all times for emergency and public service vehicles. A note to this effect shall be placed on the face of the final Subdivision map.
- ☐ The maintenance responsibility for the private access road, (SE 60th Lane) will be assigned to the appropriate homeowners (lots 1 through 5 will be responsible for maintenance and repair of SE 60th Lane; A note to this effect shall be indicated on the face of the final Subdivision map.

PERMIT: 08-135645-LK
AUTHORITY: Bellevue City Code 14.60.100, 110, 130, 150, 170, 190, 210, 240, 241; Transportation Department Design Manual Sections 3, 4, 5, 7, 11, 14, 19
REVIEWER: Ray Godinez, Transportation Department

3. Pavement Restoration

Pavement restoration associated with street frontage improvements or to repair damaged street surfaces shall be provided as follows:

110th Avenue SE: Based on this street's excellent condition, it is classified with the City's overlay program as "Overlay Required." Street cutting is permitted only with extraordinary pavement restoration. Pavement restoration requirements are 25 feet from each side of the street cut for the full width of the street.

SE 60th Street: Based on this street's excellent condition, it is classified with the City's overlay program as "Overlay Required." Street cutting is permitted only with extraordinary pavement restoration. Pavement restoration requirements are 25 feet from each side of the street cut for the full width of the street.

PERMIT: 08-135645-LK
AUTHORITY: Bellevue City Code 14.60. 250; Design Manual
Design Standard #21
REVIEWER: Tim Stever, Transportation Department

4. Impervious Surface

The maximum impervious surface coverage for each lot is required to be shown on the final plat. The impervious surface coverage based on the gross site area is also required to be shown and must be less than 50 percent.

PERMIT: 08-135645-LK
AUTHORITY: Land Use Code 20.30D.150
REVIEWER: Reilly Pittman, Development Services Department

5. Inspection of Landscaping and Mitigation Planting

An inspection by Land Use staff of all plat landscaping and mitigation planting is required prior to final plat approval. Additional plant quantities may be required to ensure sufficient density is achieved as stated in the report. This inspection will also check NGPA signage and fencing.

PERMIT: 08-135645-LK, 11-103630-LO
AUTHORITY: Land Use Code 20.30D.150
REVIEWER: Reilly Pittman, Development Services Department

6. Native Growth Protection Areas

Tracts C, D, F, and G are to be labeled as Native Growth Protection Area tracts on the final plat. The following note is required to be placed on the final plat:

NATIVE GROWTH PROTECTION AREA (NGPA) TRACT

DEDICATION OF NATIVE GROWTH PROTECTION AREAS (NGPA) ESTABLISHES, ON ALL PRESENT AND FUTURE OWNERS AND USERS OF THE LAND, AN OBLIGATION TO LEAVE UNDISTURBED ALL TREES AND OTHER VEGETATION WITHIN THE AREA, FOR THE PURPOSE OF PREVENTING HARM TO, PROPERTY AND ENVIRONMENT, INCLUDING BUT NOT LIMITED TO CONTROLLING SURFACE WATER RUNOFF AND EROSION, MAINTAINING SLOPE STABILITY, BUFFERING AND PROTECTING PLANTS AND ANIMAL HABITAT, EXCEPT, FOR THE REMOVAL, OF DISEASED OR DYING VEGETATION WHICH PRESENTS A HAZARD OR IMPLEMENTATION OF AN ENHANCEMENT PLAN REQUIRED OR APPROVED BY THE CITY. ANY WORK, INCLUDING REMOVAL OF DEAD, DISEASED, OR DYING VEGETATION, IS SUBJECT TO PERMIT REQUIREMENTS OF THE CITY OF BELLEVUE CODES. THE OBLIGATION TO ENSURE THAT ALL TERMS OF THE NGPA ARE MET IS THE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 17. THE CITY OF BELLEVUE SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENFORCE THE REQUIREMENTS, TERMS, AND CONDITIONS OF THIS RESTRICTION BY ANY, METHOD AVAILABLE UNDER LAW.

PERMIT: 08-135645-LK, 11-103630-LO
AUTHORITY: Land Use Code 20.25H.030
REVIEWER: Reilly Pittman, Development Services Department

Section 7. Adoption of this Ordinance repeals and replaces Ordinance No. 6057, memorializes certain settlement terms and approves, with conditions the Planned Unit Development and Preliminary Conservation Subdivision, on the Application of David Shih and the Shih Family Limited Partnership under Permit File Nos. 08-135645 and 11-1-3630 LO and Examiner File NO. AAD 11-67.

Section 8. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

ORIGINAL

Passed by the City Council this 15th day of October, 2012 and signed
in authentication of its passage this 15th day of October, 2012.

(SEAL)



Conrad Lee, Mayor

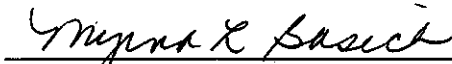
Approved as to form:

Lori M. Riordan, City Attorney



Lacey L. Hatch, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

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